

Appl. No. 10/026,178
Amdt. dated January 14, 2005
Reply to Office Action of October 19, 2004

Remarks

This paper is responsive to the US Patent and Trademark Office action mailed 19-Oct-04. Claims 1-12 and 14-25 are pending with claims 14-17 standing allowed. Claims 1, 4, 5, 10, 18, 22 and 23 stand rejected under 35 U.S.C.102 as anticipated by co-assigned US Patent 6,673,980 to Varona et al. ("Varona '980"). Claims 2 and 3 stand rejected under 35U.S.C.103(a) as obvious in view of Varona '980 taken with US Patent 4,158,594 to Becker et al. ("Becker et al."). Claims 6 and 7 stand rejected under 35 U.S.C.103(a) as obvious in view of Handbook of Adhesives and Sealants ("Adhesive Handbook") and Modern Plastics Handbook ("Plastics Handbook"). Claims 8, 9, 11, 12, 20, 21, 24 and 25 stand rejected under 35 U.S.C.103(a) as unpatentable over Varona '980 taken with US Patent 6,315,864 to Anderson et al. ("Anderson et al."). Claim 19 is apparently included in the rejection based on 35 U.S.C. 102, as indicated in the last paragraph of that rejection. Claim 18 has been amended to more particularly point out and distinctly claim the invention. Reconsideration of the rejections in light of the amendment and following remarks is respectfully requested.

The rejection of Claims 1, 4, 5, 10, 18, (19), 22 and 23 as anticipated by Varona '980 is respectfully traversed. A rejection based on anticipation must be based on a reference that teaches every aspect of the invention either explicitly or impliedly, i.e. every feature not directly taught must inherently be present (MPEP 706.02IV). Claim1, and 4, 5, and 10 dependent thereon require a hot melt adhesive to adhere the nonwoven fibrous web to the roll. Varona '980, while the claims in this regard are not limited, is silent concerning the use of a hot melt adhesive. Such use cannot be implied in Varona '980 because the reference clearly describes use of a number of aqueous or emulsion adhesives that are either hydrophobic or hydrophilic but has no teaching of hot melt adhesives. The reference to "meltblowing, melt spray" at col. 12, li. 23, must be taken in context of the previously listed aqueous based or emulsion adhesives in that same paragraph which can be subject to these application techniques. Claim 18 and claims 19, 22 and 23 dependent thereon require fibers of a thermoplastic polymer and hydrophobic adhesive additive blend as disclosed on page 19, line 30 and have been amended to more particularly point this out. Varona '980 does not anticipate this feature in the sense of 35 U.S.C.102. Accordingly, the rejection based on 35 U.S.C.102 is believed to be in error, and it's withdrawal is respectfully requested.

With respect to the rejections based on 35 U.S.C.103(a)/102(e) in Sections 5, 6, and 7 of the Office Action, the following statement is provided:

Application 10/026,178 and US Patent 6,673,980 were, at the time the invention of application

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10/026,178 was made, owned by Kimberly-Clark Worldwide, Inc.

Since each of the rejections has been addressed by the foregoing remarks, this application is believed to be in condition for allowance. Such favorable action is respectfully solicited.

The undersigned may be reached at 770-587-8096.

Respectfully submitted,

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